

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4762 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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L.R.PATEL--DECEASED BY HEIR GHANSHYAMBHAI L. PATEL

Versus

NARBADABEN SHIVLAL PATEL  
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Appearance:

MR JITENDRA M PATEL for Petitioner  
MR JF SHAH for Respondent No. 1  
MR RC KODEKAR, AGP for Respondent No. 2, 3  
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CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 28/04/2000

ORAL JUDGEMENT

Mr. J.F.Shah, learned counsel appearing for Respondent No.1 has submitted that the parties have settled their dispute out of court and hence, present petition does not survive and should be disposed of

accordingly. During the course of submissions, Mr. Shah has drawn attention of this court to the fact that according to the petitioner, he was in possession of the land referred to in the petition on the date of filing of the petition and while admitting the petition, interim relief was granted in favour of the petitioner qua land referred to in the petition. Mr. Shah has fairly submitted that to the information available to him, possession of the land in question, as per the settlement arrived at between the parties, is to continue with the petitioner. Learned counsel Mr. J.M. Patel appearing for the petitioner has fairly submitted that though he has not received any written instructions from his client viz. petitioner, matter can be disposed of in view of the settlement arrived at between the parties pending this petition.

Learned AGP Mr. R.C.Kodekar, appearing for respondent nos. 2 & 3 has nothing to add in view of out of court settlement arrived at between the parties.

Under the circumstances aforesaid, petition stands disposed of as withdrawn. No order as to costs. Rule issued earlier is discharged. However, in view of settlement arrived at between the parties, no formal order qua possession of the land in question is passed. It will, however, be open to the parties to approach this Court in case of difficulty.

28.4.2000 [ C.K. BUCH, J]

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